

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Noah B. Bolt and Rachel H. Bolt,)	
)	
Plaintiffs,)	C.A. No. 8:15-1936-HMH
)	
vs.)	OPINION & ORDER
)	
The United States of America, acting by)	
and through its agency, The Internal)	
Revenue Service,)	
)	
Defendant.)	

This matter is before the court on the United States’ motion to dismiss Plaintiffs Noah B. Bolt and Rachel H. Bolt’s (“the Bolts”) tax refund action pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. After review, the court finds the United States’ motion is rendered moot.

An amended complaint ordinarily supersedes the original and renders it of no legal effect. Young v. City of Mount Rainier, 238 F.3d 567, 573 (4th Cir. 2001). “Thus, a defendant’s previous motion to dismiss is rendered moot when a plaintiff files an amended complaint.” Sennott v. Adams, No. 6:13-cv-02813-GRA, 2014 WL 2434745, at *3 (D.S.C. May 29, 2014) (unpublished). In this case, the United States filed a motion to dismiss on August 14, 2015. (Def. Mot. Dismiss, ECF No. 11.) On August 28, 2015, the Bolts responded by amending their complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure. (Am. Compl., ECF No. 13.) In reply, the United States submitted that in light of the filing of the amended complaint, the pending motion to dismiss is moot. (Def. Reply, ECF No. 14.) Based on the foregoing, the United States’ motion to dismiss is rendered moot. If the United States

believes that defects remain in the amended complaint, it may file a motion to dismiss the amended complaint within the time frame allotted by the Federal Rules of Civil Procedure. Sennott, 2014 WL 2434745, at *3.

It is therefore

ORDERED that the United States' motion to dismiss, docket number 11, is dismissed as moot.

IT IS SO ORDERED.

Greenville, South Carolina
September 14, 2015

s/Henry M. Herlong, Jr.
Senior United States District Judge